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DATE: April 21, 2006

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Name	Fax Number	Phone Number
Examiner Daniel I. Walsh - U.S. Patent and Trademark Office	571-273-8300	571-272-2800

FROM: Kirk Dorius

PHONE: 602-382-6544

RE:

MESSAGE:

Attached is the Terminal Disclaimer for Serial No. 10/708,839

ORIGINAL DOCUMENT: Will not be sent

NUMBER OF PAGES (Including Cover): *6*

CONFIRMATION NO.:

CLIENT MATTER NO.: 70655.0300

PLEASE RETURN TO: S.Bowman/16S02

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REQUESTOR: Kirk Dorius

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PAGE 1/6 * RCVD AT 4/21/2006 6:41:16 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/22 * DNIS:2738300 * CSID:602 382 6070 * DURATION (mm:ss):02:14

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PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

Application Number	10/719,639
Filing Date	March 26, 2004
First Named Inventor	Blayn W. Baenau, et al.
Art Unit	2876
Examiner Name	Daniel I. Walsh
Attorney Docket Number	70855.0300

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ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

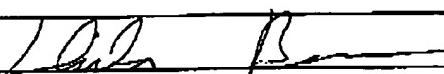
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	SNELL & WILMER, LLP, 400 East Van Buren, Phoenix, Arizona 85004-2202		
Signature			
Printed name	Kirk Dorlus		
Date	April 21, 2006	Reg. No.	54,073

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Sheila Bowman

Date April 21, 1006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<i>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4618).</i>		Complete if Known		
Fee TRANSMITTAL For FY 2006		Application Number	10/708,839	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	March 26, 2004	
TOTAL AMOUNT OF PAYMENT	(\$)	130.00	First Named Inventor	Blayn W. Beenau, et al.
		Examiner Name	Daniel I. Walsh	
		Art Unit	2876	
		Attorney Docket No.	70655.0300	

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<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>19-2814</u> Deposit Account Name: <u>Snell & Wilmer LLP</u>																																																					
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)																																																					
<input type="checkbox"/> Charge fee(s) indicated below			<input checked="" type="checkbox"/> Charge fee(s) indicated below, except for the filing fee																																																		
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) <small>under 37 CFR 1.16 and 1.17</small>			<input checked="" type="checkbox"/> Credit any overpayments																																																		
<small>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</small>																																																					
FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)																																																					
1. BASIC FILING, SEARCH, AND EXAMINATION FEES																																																					
<table border="1"> <thead> <tr> <th rowspan="2">Application Type</th> <th colspan="2">FILING FEES</th> <th colspan="2">SEARCH FEES</th> <th colspan="2">EXAMINATION FEES</th> </tr> <tr> <th>Fee (\$)</th> <th>Small Entity</th> <th>Fee (\$)</th> <th>Small Entity</th> <th>Fee (\$)</th> <th>Small Entity</th> </tr> </thead> <tbody> <tr> <td>Utility</td> <td>300</td> <td>150</td> <td>500</td> <td>250</td> <td>200</td> <td>100</td> </tr> <tr> <td>Design</td> <td>200</td> <td>100</td> <td>100</td> <td>50</td> <td>130</td> <td>65</td> </tr> <tr> <td>Plant</td> <td>200</td> <td>100</td> <td>300</td> <td>150</td> <td>160</td> <td>80</td> </tr> <tr> <td>Reissue</td> <td>300</td> <td>150</td> <td>500</td> <td>250</td> <td>600</td> <td>300</td> </tr> <tr> <td>Provisional</td> <td>200</td> <td>100</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table>						Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Utility	300	150	500	250	200	100	Design	200	100	100	50	130	65	Plant	200	100	300	150	160	80	Reissue	300	150	500	250	600	300	Provisional	200	100	0	0	0	0
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2. EXCESS CLAIM FEES																																																					
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3. APPLICATION SIZE FEE																																																					
<small>If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(C) and 37 CFR 1.16(s).</small>																																																					
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4. OTHER FEE(S)																																																					
<small>Non-English Specification, \$130 fee (no small entity discount)</small>																																																					
<small>Other (e.g., late filing surcharge): Terminal Disclaimer</small>																																																					
<small>130.00</small>																																																					

SUBMITTED BY					
Signature	<i>Kirk Dorfus</i>		Registration No. (Attorney/Agent)	54,073	Telephone (602) 382-6544
Name (Print/Type)	Kirk Dorfus Date April 21, 2006				

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Date: April 21, 2006

By: John B.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEPATENT

Applicants: Blayn W. Beenau, et al. Attorney Docket No.: **70655.0300**

Serial No.: **10/708,839**; Confirmation No.: **2838** Group Art Unit: **2876**

Filed: **March 26, 2004** Examiner: **Walsh, Daniel I.**

Title: **METHOD FOR REGISTERING BIOMETRIC FOR USE WITH A FOB**

04/26/2006 SSITHIB1 00000007 192814 10708839

01 FC:1814

130.00 DA

**TERMINAL DISCLAIMER TO OBLIGATE
A PROVISIONAL DOUBLE PATENTING REJECTION
OVER CO-PENDING APPLICATION**

Mail Stop Amendment
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Alexandria, VA 22313-1450

Dear Commissioner:

The owner, American Express Travel Related Services Company, Inc., of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on the pending reference Application Number 10/710,331 which was filed on July 1, 2004 and Application Number 10/710,332 which was filed on July 1, 2006, as such term is defined in 35 U.S.C. §§ 154 and 173, and as the term of any patent granted on said reference applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference applications are

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1824118.1

PAGE 4/6 * RCVD AT 4/21/2006 6:41:16 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/22 * DNI:2738300 * CSID:602 382 6070 * DURATION (mm:ss):02:14

04/25/2006 SSITHIB1 000000095-192814 10708839
01 FC:1814 130.00 DA

Serial No. 10/708,839
Attorney Docket No. 70655.0300

commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record, Reg. No. 54,073.

Serial No. 10/708,839
Attorney Docket No. 70655.0300

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: April 21, 2006

By: Kirk Dorius
Kirk Dorius
Reg. No. 54,073

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